

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8659 of 2020

International Business College, Karmali Chak, Patna City, Patna through its Director namely Dharmendra Kumar, aged about 50 years, Son of Kapil Deo Singh, Resident of Flat No. 2 C, Bhuvneshwari Kutir, P.S. Shastri Nagar, New Punai Chak, Patna, Bihar.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Education Department, Government of Bihar, Patna.
2. The Director, Higher Education, Education Department, Government of Bihar, Patna.
3. The Deputy Director, Education Department, Government of Bihar, Patna.
4. Patliputra University, Patna, through its Registrar Chancellor.
5. The Vice Chancellor, Patliputra University, Patna.
6. The Registrar, Patliputra University, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Avanish Kumar Singh, Adv
For the Respondent/s : Mr. Lalit Kishore, AG

CORAM: HONOURABLE MR. JUSTICE ARVIND SRIVASTAVA
ORAL ORDER

- 10 12-04-2021 1. It appears that the given writ petition is an illustration of the habits through which an insensitive system plays with the future of the upcoming generations.
2. The Petitioner is a business college running for the past fifteen years but due to impractical rules, they need to apply for renewal every year.
3. For the renewal, due in the year 2020-21, before Patliputra Vishwavidyalaya (Respondent No. 04 to 06) affiliation as per their time-table, an application on 11.09.2019 was made by the Petitioner. According to the time-table, University had to



complete all the formalities appropriate and submit a report to the State Government by the date 15.01.2020. The report was submitted exceeding the belatedness without completing the due formalities on 07.08.2020. The reason for the same was cited as the ongoing COVID-19 pandemic. However, it is to note that the report was to be submitted by 15.01.2020 and between the dates 11.09.2019 and 15.01.2020, the pandemic wasn't a setback yet.

4. The State Government (Respondent No. 01 to 03) instead of taking action against the University, resorted to playing with the future of the students by not accepting the report and citing it as incomplete.
5. The University made the necessary formalities and submitted another report which was again rejected by the State Government on 06.02.2021.
6. The State Government claims that they were bound by the time-table provided by the High Court. Hence, the application was rejected when it crossed the deadline.
7. Per Contra, the petitioner claims that the State Government does not usually follow the set time-table and they accept applications past deadlines as well as is evident from Annexure -13.
8. For the past hundred years, it is exceptionally implausible for somebody to envision that there will be a year when



everything will come to a halt. Schools, colleges, offices, markets, railways, roads etc. would be shut. Nonetheless, even in such adversary and unforeseen circumstances, the Education Department was working seamlessly adhering to every rule and regulation. Even in an unanticipated situation, if they would have wanted, they could make an application to the High Court regarding the relaxation of the time-table, which was not made.

9. Accordingly, Letter No. 15/M-1-92/2013-1458 dated 09.09.2020 as contained in Annexure- 10 and Letter No. 15/M-1-92/2013-704 dated 11.03.2021 as contained in Annexure -C are hereby quashed.

10. Writ Petition is, therefore, allowed and Respondent Nos. 01 to 03 are directed to take an appropriate decision for the session 2020-21 within 30 days from the date of order.

(Arvind Srivastava, J)

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